



IDEM's Indiana Register Summary April 1, 2004

Final Rules

Air Pollution Control Board

LSA #01-249(F), [27 IR 2210](#)

326 IAC 2-6

This rule action amends 326 IAC 2-6, emission reporting, to clarify existing definitions, add new definitions, change applicability, and add a provision allowing the department to request additional information, including hazardous air pollutant emissions. This rule becomes effective thirty days after filing with the secretary of state. (Filed February 26, 2004)

LSA #03-68(F), [27 IR 2215](#)

326 IAC 2-2-1, 2-2-6 and 2-2-12

This rule action amends 326 IAC 2-2-1, 326 IAC 2-2-6 and 326 IAC 2-2-12 concerning corrections to the prevention of significant deterioration (PSD) requirements. This rule becomes effective 30 days after filing with the secretary of state. (Filed March 9, 2004)

LSA #03-69(F), [27 IR 2223](#)

326 IAC 1-3-4

This rule action amends 326 IAC 1-3-4 to add the federal eight hour ozone standards to 326 IAC. This rule becomes effective 30 days after filing with the secretary of state. (Filed March 9, 2004)

Water Pollution Control Board

LSA #01-51(F), [27 IR 2225](#)

327 IAC 5-4-3 and 327 IAC 15-15

This rule action amends 327 IAC 5-4-3 and adds 327 IAC 15-15. Under the Clean Water Act, concentrated animal feed operations (CAFOs) are point source subject to the National Pollutant Discharge Elimination System (NPDES) permit process. This requirement is found in federal regulations at 40 CFR 122.23(a). The term "CAFO" is defined in 40 CFR 122. This language has been adopted in Indiana and is found in the Indiana Administrative Code at 327 IAC 5-4-3 concerning special NPDES programs. Based on a decision from the United States District Court for the Southern District of Indiana, the Indiana Department of Environmental Management (IDEM) is required to select one of three options for implementing NPDES permits for CAFOs in Indiana. IDEM believes that development of a general permit rule is the most time and resource effective means to comply with this court order. Further, amendments to the federal rules have occurred that require IDEM to update existing rules. IDEM has a separate program to regulate confined feeding operations (CFOs). This program is required under IC 13-18-10. However, the requirements of that program do not, in all instances, meet the requirements for a NPDES requirements of the Clean Water Act in a separate rulemaking that considers all the alternatives available for compliance with the federal requirements. IDEM has proposed amendments of rule language at 327 IAC 5-4-3 and drafted new rule language for NPDES general permits for CAFOs at 327 IAC 15-15. This rule becomes effective 30 days after filing with the secretary of state. (Filed February 23, 2004)

Change in Notice of Public Hearing

LSA #03-282(APCB), [27 IR 2299](#)

326 IAC 7-4-13

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #03-282(APCB), printed at [27 IR 1655](#), has been changed. Notice is hereby given that on May 5, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public

hearing on amendments to 326 IAC 7-4-13. Additional Information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317)233-6868 or (800)451-6027, press 0, and ask for extension 3-6868 (in Indiana).

Solid Waste Management Board

LSA #01-161 (SWMB), [27 IR 2299](#)

329 IAC 9

Notice of First Meeting

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of preliminary adoption of #01-161(SWMB) will be held at a regular meeting of the board. Notice is hereby given that on April 20, 2004 at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana the Solid Waste Management Board will hold a public hearing on amendments to the underground storage tank rules at 329 IAC 9. Additional information regarding this action maybe obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317)232-3593 or (800)451-6027 (in Indiana).

LSA #01-161 (SWMB), [27 IR 2300](#)

329 IAC 9

Notice of Second Meeting

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of preliminary adoption of #01-161(SWMB) will be held at a regular meeting of the board. Notice is hereby given that on April 20, 2004 at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana the Solid Waste Management Board will hold a public hearing on amendments to the underground storage tank rules at 329 IAC 9. Additional information regarding this action maybe obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317)232-3593 or (800)451-6027 (in Indiana).

Proposed Rules

Air Pollution Control Board

LSA #03-195, [27 IR 2317](#)

326 IAC 6-1-13 and 7-4-3

This rule action amends 326 IAC 6-1-13 and 326 IAC 7-4-3 to delete reference to boilers and associated emission limitation no longer in use. This rule becomes effective 30 days after filing with the secretary of state. Notice is hereby given that on June 2, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 6-1-13 and 326 IAC 7-4-3 to delete references to boilers and associated emission limitations no longer in use for Pfizer, Inc. Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317)232-8229 or (800)451-6027 (in Indiana).

LSA #03-285, [27 IR 2321](#)

326 IAC 20-63, 20-64, 20-65, 20-66, 20-67, 20-68, 20-69

This rule action adds 326 IAC 20-63 concerning surface coating of large appliances; 326 IAC 20-64 concerning surface coating of metal coil; 326 IAC 20-65 concerning paper and other web coating; 326 IAC 20-66 concerning flexible polyurethane foam fabrication operations; 326 IAC 20-67 concerning municipal solid waste landfills; 326 IAC 20-68 concerning friction materials manufacturing facilities; and 326 IAC 20-69 concerning polyvinyl chloride and copolymers production. This rule becomes effective 30 days after filing with the secretary of state. Notice is hereby given that on May 5, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed new rules 326 IAC 20-63, 326 IAC 20-64, 326 IAC 20-65, 326 IAC 20-66, 326 IAC 20-67, 326 IAC 20-68, and 326 IAC 20-69. Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317)233-8628 or (800)451-6027 (in Indiana).

LSA #03-332, [27 IR 2324](#)

326 IAC 2-10-1, 2-10-2.1, 2-10-3.1, 2-10-4.1, 2-10-5.1 and 2-10-6.1

This rule action readopts 326 IAC 2-10-1. Adds 326 IAC 2-10-2.1, 326 IAC 2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1 to allow small sources to operate under a permit by rule. This rule will become effective 30 days after filing with the secretary of state. Notice is hereby given that on May 5, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed readoption of 326 IAC 2-10-1 and new rules 326 IAC 2-10-2.1, 326 IAC 2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1. Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317)232-8229 or (800)451-6027 (in Indiana).

LSA #03-333, [27 IR 2326](#)

326 IAC 2-11-2, 2-11-1, 2-11-3 and 2-11-4

This rule actin amends 326 IAC 2-11-2 and readopts 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 to allow gasoline dispensing operations, grain elevators, and sources that process mill or grain to operate under a permit by rule. *NOTE: IC 4-22-2.5-5 authorizes the expiration of rules for one year. Executive Order#03-53, issued December 30, 2003, and printed 27 IR 1663, postpones the expiration of the rules in this document until January 1, 2005.* This rule becomes effective 30 days after filing with the secretary of state. Notice is hereby given that on May 5, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on the proposed readoption of 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 and amendments to 326 IAC 2-11-2. Additional information regarding this action may be obtained form Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317)232-8229 or (800)451-6027 (in Indiana).

Second Notice

Air Pollution Control Board

LSA #03-283(APCB), [27 IR 2343](#)

329 IAC 12, 326 IAC 18-1 and 18-2

Development of amendments to rules concerning asbestos licensing for solid waste facility operators (waste disposal managers). IDEM is intending to consolidate all training course provider curriculum and landfill management operator licensing requirements in 329 IAC 12. Therefore, the Office of Air Quality has developed draft rule language for amendments to 326 IAC 18-1 and 326 IAC 18-2 concerning the deletion of training and licensing requirements that apply to solid waste facility operators. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking. Comments must be postmarked, faxed, or hand delivered by May 1, 2004. Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317)232-8229 or (800)451-6027 extension 2-8229 (in Indiana). Notice is hereby given that on June 2, 2004, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 18-1 and 326 IAC 18-2.

Solid Waste Management Board

LSA #03-286(SWMB), [27 IR 2356](#)

329 IAC 12-8 and 12-9

Development of amendments to rules concerning asbestos certification for solid waste facility operators. The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 329 IAC 12-8 and 329 IAC 12-9 concerning asbestos disposal certification for solid waste facility operators. By this notice, IDEM is soliciting public comment on the draft rule language that would place asbestos disposal certification for solid waste facility operators under the rules promulgated by the Solid Waste Management Board. Asbestos disposal certification for solid waste facility operators is currently under the authority of the rules of the Air Pollution Control Board (APCB). IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking. Comments must be postmarked, faxed or hand delivered by May 1, 2004. Addition

information regarding this action may be obtained from Lou McFadden, Rules, Planning and Outreach Section, Office of Land Quality, (317)232-8922 or (800)451-6027 (in Indiana). Notice is hereby given that on June 15, 2004, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 12-7 and 329 IAC 12-8.

Nonrule Policy Documents

W0054-Waste

Originally Adopted March 18, 2004

IDEM criteria by which sites requesting Monitored Natural Attenuation (MNA) as a remedial option will be evaluated. This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. This nonrule policy document may be put into effect by IDEM 30 days after presentation to the appropriate board. Pursuant to IC 13-14-11.5, this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate board. If the nonrule policy is presented to more than one board, it will be effective 30 days after presentation to the last. IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of presentation to the board and publication.